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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **IN AND FOR THE DISTRICT OF NEVADA**

11 BLADIMIK JARA,

Case No.:

12 Plaintiff,

13 vs.

**COMPLAINT AND JURY DEMAND**

14 VICTORY WOODWORKS, INC.,

15 Defendant.  
16

17 \_\_\_\_\_ /  
18 COMES NOW plaintiff, through counsel, and hereby complains of defendant as  
19 follows:

20 Jurisdiction, Venue & Jury Demand

21 1. Plaintiff is a Hispanic man who is a resident of northern Nevada and who  
22 commenced working for defendant on or about October 31, 2017, and who was terminated  
23 from defendant's employ on or about December 22, 2017. All, or almost all, acts, statements  
24 and omissions herein alleged occurred in northern Nevada, where at plaintiff was previously  
25 employed by defendant. Plaintiff has obtained a Notice of Right to Sue from the Equal  
26 Employment Opportunity Commission, as well as a Determination of Probable Cause  
27 regarding sexual harassment. This Notice and Determination are attached hereto and  
28 incorporated in this Complaint and Jury Demand. Likewise, the sworn Affidavit of former

1 Victory Woodworks, Inc.'s employee, Mr. Armando Mena, accompanies this Complaint and  
2 Jury Demand and is hereby incorporated herein. So too, the Declaration of Gary D. Carroll  
3 accompanies this Complaint and Jury Demand and is incorporate herein. This Complaint and  
4 Jury Demand is timely filed in accord therewith. Plaintiff hereby requests a jury trial relative  
5 to all issues so triable.

6 2. Defendant is a governmental entity, i.e., a corporation, partnership, limited liability  
7 company, or some other entity, which plaintiff believes is recognized under the laws of the  
8 State of Nevada. At all times herein mentioned defendant had at least fifteen full-time  
9 employees working at least twenty weeks per year.

10 3. This Court has subject matter jurisdiction over this case per 28 U.S.C. 1343. The  
11 Court has subject matter jurisdiction because plaintiff is a Hispanic man who is alleging he was  
12 subject to a hostile work environment "because of sex" and retaliation because he opposed  
13 sexual harassment, in violation of 42 U.S.C. 2000e, et seq.

14 4. This Court has venue re this action pursuant to 42 U.S.C. 2000e-5(f)(3) because all,  
15 or almost all of the actions, statements and omissions which form the basis for this lawsuit  
16 occurred in northern Nevada, i.e., in the geographical area of this judicial District.

17 First Cause of Action

18 (Sexual Harassment)

19 5. Plaintiff hereby incorporates the allegations of paragraphs 1 through 4, inclusive, as  
20 well as all other paragraphs herein, as though the same had been fully stated.

21 6. Plaintiff was employed by defendant. Throughout much of his employment  
22 plaintiff was subject to harassment "because of sex", as prohibited by 42 U.S.C. 2000e, et seq..  
23 For instance, defendant's Managers, including Mr. Michael Slater, engaged in a repertoire of  
24 abusive sexual misconduct. Mr. Slater subjected plaintiff to sexually inappropriate statements  
25 and conduct of a highly offensive and sexual nature. For instance, he made repeated inquiries  
26 of plaintiff such as whether plaintiff like to provide fellatio; would you take a d\_\_k up you  
27  
28

1 a\_\_?; whether plaintiff had gotten any p\_\_y that weekend; etc, Slater engaged in various  
2 sexually inappropriate forms of conduct, such as trying to remove the shirt of an employee and  
3 licking his nipple; pantomiming anal sex; bending an employee over a table while saying, “you  
4 know you like it”; Slater asked plaintiff, “do you like c\_\_k, you fucking homosexual?”; etc.  
5 Slater took to openly referring to plaintiff as “that fucking homosexual”. The sexually  
6 offensive conduct occurred on a daily basis, often more than once and Slater engaged in such  
7 conduct openly, with no apparent fear of adverse repercussions. Other employees, such as  
8 Diego \_\_\_\_\_, joined in the sexual harassment. For instance, Diego made sexual remarks  
9 and engaged in sexual misconduct – such as pantomiming anal intercourse with Slater. Slater  
10 has been engaging in such conduct for a long time and the owner of defendant, Mr. Michael  
11 Cook was, at all relevant times, aware of Slater’s propensity and habit of engaging in sexual  
12 misconduct in the workplace. Plaintiff responded, and thereby opposed, Slater’s sexual  
13 misconduct, by informing Slater he was only there to work and did not appreciate his sexual  
14 misconduct.

15  
16 7. Plaintiff complained to defendant’s owner, Mr. Cook, shortly after he commenced  
17 employment. That is, plaintiff personally informed Mr. Cook of some of Slater’s sexual  
18 misconduct and how offended he was thereby, e.g., how he had engaged in a verbal conflict  
19 with Slater. Cook failed to properly investigate and failed to implement any adequate remedial  
20 action. Instead, Cook allowed Slater to terminate plaintiff’s employment, approximately two  
21 weeks after the verbal conflict and complaint, on the pretext plaintiff was working too slow.  
22 That is, defendant retaliated against plaintiff for opposing sexual harassment. Other  
23 employees, such as Gary D. Carroll, complained of the sexually hostile work environment. Mr.  
24 Carroll complained **after** plaintiff’s employment was terminated and he complained of the  
25 sexual misconduct of Diego \_\_\_\_\_ and Manager Slater. Defendant failed to implement an  
26 adequate investigation, or take adequate remedial action – instead defendant caused an attorney  
27 to deliver an ineffectual lecture, sans meaningful discipline. Slater and Diego \_\_\_\_\_ made  
28

1 sexually offensive remarks at company meetings, in the presence of other supervisors and/or  
2 Managers. Safety Supervisor Warren \_\_\_\_\_, who was present, failed to investigate or take  
3 adequate remedial action.

4 8. As a direct and proximate result of being subject to sexual harassment, plaintiff  
5 suffered emotional distress, loss of enjoyment of life, loss of sleep and anxiety. It has been  
6 necessary for plaintiff to incur costs and retain an attorney to attempt to vindicate his federally  
7 protected right to a workplace free of sexual harassment.

8 Second Cause of Action

9 (Retaliation)

10 9. Plaintiff hereby incorporates the allegations of paragraphs 1 through 8 as though the  
11 same were full stated herein.

12 10. Defendant terminated plaintiff in order to retaliate against him for his opposition to  
13 sexual harassment, e.g., his direct opposition to Slater and/or because he complained to Cook.

14 11. Any diminution or deficiency in plaintiff's work performance was directly and  
15 proximate caused by the sexual hostility defendant allowed to permeate its work environment  
16 and defendant is therefore estopped from relying upon such as a basis for terminating plaintiff's  
17 employment.

18 12. As a direct and proximate result of being subject to retaliation plaintiff lost wages  
19 and benefits and otherwise suffered as alleged herein.

20 WHEREFORE, plaintiff requests the following relief:

- 21 1. For an award of compensatory damages;
- 22 2. For an award of punitive damages sufficient to punish and deter defendant from
- 23 engaging in similar conduct;
- 24 3. For an award of special or actual economic damages, according to proof;
- 25 4. For an award of costs and a reasonable attorney's fee; and
- 26 5. For injunctive relief to compel defendant to adopt and actually enforce a reasonable
- 27
- 28

1 policy against sexual harassment and/or retaliation, and for whatever other relief the Court or  
2 jury may deem just.

3 DATED this 11<sup>th</sup> day of December, 2020.

4 /s/ Mark Mausert  
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**INDEX OF EXHIBITS**

9/25/20 Notice of Right to Sue. ....	Exhibit 1
9/3/20 NERC Finding of Probable Cause. ....	Exhibit 2
9/16/20 Armando Mena affidavit.. ....	Exhibit 3
5/23/19 Gary D. Carroll declaration.. ....	Exhibit 4